

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TREVOR BAUER,

Plaintiff,

-against-

CHRIS BAUD, and G/O MEDIA, INC.,

Defendants.

X

: No. 1:22-cv-1822-PAC-OTW

: ECF Case

X

**SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

As notice of further authority in support of their pending motion to dismiss (D.E. 19), Defendants Chris Baud and G/O Media, Inc. respectfully submit the attached memorandum opinion issued by Hon. Michael W. Fitzgerald on December 5, 2022, in *Trevor Bauer v. The Athletic Media Co., et al.*, No. 2:22-cv-02062 (C.D. Cal.). The *Athletic* case was brought by Trevor Bauer – the same Plaintiff as the instant case. It also stems from the same underlying facts regarding a violent sexual encounter between Mr. Bauer and Lindsey Hill, and involves claims for defamation based on an article published in *The Athletic* that is an integral part of Plaintiff's actual malice allegations in this case.

In his opinion, Judge Fitzgerald granted *The Athletic*'s Special Motion to Strike the Complaint pursuant to California's Anti-SLAPP statute, finding that the challenged statements in *The Athletic* article were substantially true, that Plaintiff had failed to allege special damages, and that Plaintiff had not adequately alleged that *The Athletic* article was published with actual

malice. Ex. 1 at 13-19. Judge Fitzgerald denied co-defendant Molly Knight's Motion to Dismiss a defamation claim based on a series of tweets she allegedly posted about Plaintiff. *Id.* at 20-32.

Dated: December 8, 2022  
New York, New York

Respectfully submitted,

By: *s/Lynn B. Oberlander*

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